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**BEFORE THE BOARD OF MEDICAL EXAMINERS  
IN THE STATE OF ARIZONA**

In the Matter of

ANDREW I. RABINOWITZ, M.D.

Holder of License No. 23192  
For the Practice of Medicine  
In the State of Arizona

**Investigation No. MD-00-0671**

**CONSENT AGREEMENT  
FOR LETTER OF REPRIMAND  
AND PROBATION**

11 By mutual agreement and understanding, between the Arizona Board of Medical  
12 Examiners (hereafter "Board") and ANDREW I. RABINOWITZ, M.D. the parties agree to the  
13 following disposition of this matter.

14 1. Dr. Rabinowitz acknowledges that he has read this Consent Agreement and the  
15 Findings of Fact, Conclusions of Law and Consent Order; and, he is aware of and  
16 understands the content of this document.

17 2. Dr. Rabinowitz understands that by entering into this Consent Agreement for the  
18 issuance of the foregoing Consent Order, Dr. Rabinowitz voluntarily relinquishes any rights  
19 to a hearing or judicial review in state or federal court on the matters alleged or to challenge  
20 this Consent Agreement and the Consent Order in its entirety as issued by the Board and  
21 waives any other cause of action related thereto or arising from said Order.

22 3. Dr. Rabinowitz acknowledges and understands that this Consent Agreement and the  
23 Consent Order will not become effective until approved by the Board and signed by its  
24 Executive Director.

25 4. All admissions made by Dr. Rabinowitz are solely for final disposition of this matter  
26 and any subsequent related administrative proceedings or civil litigation involving the Board  
27 and Dr. Rabinowitz. Therefore, said admissions by Dr. Rabinowitz are not intended or made

for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

5. Dr. Rabinowitz acknowledges and agrees that, upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Dr. Rabinowitz may not revoke his acceptance of the Consent Agreement and Consent Order or make any modifications to the document, although the Consent Agreement has not yet been accepted by the Board and issued by the Executive Director. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

6. Dr. Rabinowitz further understands that this consent Agreement and Consent Order, once approved and signed, shall constitute a public record document, which may be publicly disseminated as a formal action of the Board.

7. If any part of the Consent Agreement and Consent Order is later declared void or otherwise unenforceable, the remainder of the Consent Order in its entirety shall remain in force and effect.

  
ANDREW I. RABINOWITZ, M.D.

Reviewed and accepted this  
22<sup>nd</sup> day of DECEMBER 2000.

### **FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the state of Arizona.
2. Dr. Rabinowitz is the holder of License No. 23192 for the practice of allopathic medicine in the State of Arizona.
3. Investigation No. MD-00-0671 was initiated on October 23, 2000, based on notification from the Federal Drug Enforcement Administration that Dr. Rabinowitz was suspected of prescribing controlled substance medications to his wife.
4. Computer printouts from Walgreens Pharmacy indicated Dr. Rabinowitz prescribed the following to his wife: 80 Percocet 10/650 on 2 separate occasions using a fictitious name and 40 Percocet 10/650 on 1 occasion using a different fictitious name.
5. Additional investigation indicated other instances of similar prescribing violations.
6. Dr. Rabinowitz admitted in his responses to the Board that he wrote the controlled substance medication prescriptions for his wife.
7. Both parties mutually waive any further findings of fact.

### **CONCLUSIONS OF LAW**

1. The Board possesses jurisdiction over the subject matter hereof and over Dr. Rabinowitz.
2. The conduct and circumstances described above in paragraphs 3 through 6 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(a) (Violating any federal or state laws or rules and regulations applicable to the practice of medicine).

3. The conduct and circumstances described above in paragraphs 3 through 6 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(h) (Prescribing or dispensing controlled substances to members of the physician's immediate family).

4. The conduct and circumstances described above in paragraphs 3 through 6 constitutes unprofessional conduct pursuant to A.R.S. § 13-3408(A)(A person shall not knowingly obtain or procure the administration of a narcotic drug by fraud, deceit, misrepresentation or subterfuge).

### **ORDER**

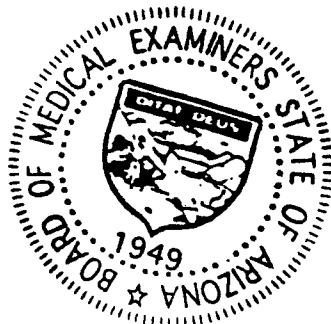
IT IS HEREBY ORDERED that:

1. Andrew I. Rabinowitz, M.D. is hereby issued a Letter of Reprimand for his unprofessional conduct as described above.
2. Andrew I. Rabinowitz, M.D., is placed on probation for 1 year with the following terms and conditions:
  - a. Andrew I. Rabinowitz, M.D., shall obtain 20 hours of Board staff pre-approved category 1 Continuing Medical Education in the prescribing of controlled substances and provide Board staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical license.
  - b. Andrew I. Rabinowitz, M.D., shall be subject to an office survey to be conducted by Board staff or its agents within 6 months of the effective date of this Order. Based upon the office survey, the Board retains jurisdiction to take additional disciplinary or remedial action.
3. This Order is final disposition of Investigation No. MD-00-0671.

DATED this 22 day of January, 2000. GA

BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

[SEAL]



By: \_\_\_\_\_

Tom Adams  
CLAUDIA FOUTZ  
Executive Director  
TOM ADAMS  
Assistant Director/Regulation

Original of the foregoing filed this 23 day of January, 2000, with: GA

The Arizona Board of Medical Examiners  
9545 E. Doubletree Ranch Road  
Scottsdale AZ 85258

Copy of the foregoing mailed by Certified GA  
Mail this 23 day of January, 2000, to:

Andrew I. Rabinowitz, M.D.  
10553 E. Meadow hill Drive  
Scottsdale AZ 85259

Copy of the foregoing mailed by Certified GA  
Mail this 23 day of January, 2000, to:

Kraig Marton, Esq.  
Sacks Tierney  
4250 N. Drinkwater Blvd., 4th Floor  
Scottsdale AZ 85251-3647  
Attorney for Dr. Rabinowitz

Copy of the foregoing hand-delivered GA  
this 23 day of January, 2000, to:

Richard Albrecht, Assistant Attorney General  
c/o Arizona Board of Medical Examiners  
9545 East Doubletree Ranch Road  
Scottsdale AZ 85258

RH Steiger-Gentle